

## Policy title: Compensation Policy

**Date written:** March 2015

**Date(s) reviewed:** June 2018; July 2021

**Purpose:** To set out Bernicia's policy on offering compensation to customers.

**Scope:** This is a group policy and is applicable to all customers.

**Definitions:** None

**Associated documents:** Complaints Policy, Right to Repair Guide, Compensation for Improvements Policy

**Date for review:** July 2024

**Responsibility:** Head of Housing

## Policy

### 1. Introduction

- 1.1 Bernicia recognises that, whilst a number of rights are embodied within both the Tenancy Agreement and statutory provision, there are still situations which may arise where tenants may have to meet additional financial outlay or suffer a loss in services provided because of action or lack of action taken by the group.
- 1.2 This document defines the areas where, as a matter of policy, the group are prepared to partially compensate tenants for losses which can arise.
- 1.3 All claims will be acknowledged in line with the Customer Care Policy.
- 1.4 If the claim arises as a result of a complaint, the claim will be addressed as part of the complaint process.
- 1.5 This policy does not deal with compensation claims for public liability or claims where awards are anticipated to be over £1000. These claims will be referred directly to the group's insurers. In these instances, customers will be advised that their claim for compensation will be dealt with through this route and the timescales in this policy will not apply.

### 2. Policy statements

- 2.1 It is Bernicia's responsibility to insure the properties we let and the tenants' responsibility to insure the content of their homes. The group encourages and advises all of its tenants to ensure that they take out adequate domestic content's insurance. Most policies in this category will provide some form of reimbursement for accidental damage resulting from fire and flood. It is not the group's intention to provide compensation for those persons who have not obtained such suitable insurance cover.
  - 2.1.1 Compensation will be considered in the following circumstances;
    - Major improvements
    - Programmed Works
    - General Repairs – Damage to decoration
    - Loss of Services
    - Where a complaint is upheld
  - 2.1.2 Where appropriate, an assessment of damage will be carried out and recorded by the relevant Team Leader/Manager, who, subject to approval by the

Assistant Director (Care & Support) or relevant Head of Service can grant compensation.

2.1.3 Where tenants' rent accounts are not up to date or owe the group any other monies, the group reserves the right to credit any monies due to offset such debts.

## 2.2 **Statutory Provision**

### 2.2.1 Right to Repair Scheme

Bernicia will comply with the Right to Repair Scheme. Where the group has failed its duty to have a qualifying repair carried out within the specified time and after a further request from the tenant fails to complete the works within the second specified period, the tenant shall be paid compensation by the group. A qualifying repair is one which does not cost more than £250 and which, if not carried out within the specified period, is likely to jeopardise the health, safety or security of the tenant.

2.2.2 Where the group fails to undertake the repair requested under the procedure and the tenant has allowed reasonable access to the property, the tenant shall be entitled to compensation of £10, plus £2 per day (up to a maximum of £50).

2.2.3 In addition to these rights there is also the Right to Compensation for Improvements. This is detailed in the Compensation for Improvements Policy.

## 2.3 **How compensation will be calculated**

2.3.1 The Group will calculate compensation based on the circumstances of each case. It will be paid at Bernicia's absolute discretion and will only be paid if the customer has been substantially inconvenienced or has incurred specific financial loss as a result of action or inaction by Bernicia.

2.3.2 When compensation is being considered the following levels of authorisation must be used;

- Team Leader/Manager - Up to £200
- Head of Service - Up to £500
- Directors - Up to £1000

2.3.3 If an applicant should disagree with the level of compensation offered, they may make an appeal in writing (a member of staff can assist with this where necessary), asking for the level of compensation to be reviewed. Applicants

should give clear reasons as to why they disagree with the level of compensation offered. Third parties may make the appeal on behalf of the applicant and additional supporting information may be submitted.

- 2.3.4 Bernicia will respond to any appeals within 14 days. Appeals will be reviewed by the Assistant Director (Care & Support) or the relevant Head of Service.

### 3. Responsibility for implementation

- 3.1 It is the responsibility of the Director of Housing Services to ensure that this policy is used fairly to compensate tenants, where appropriate, as outlined in the guidance set down in this policy.

### 4. Actioning the policy

- 4.1 The policy will be actioned whenever a tenant makes a compensation request.
- 4.2 In all instances of compensation payments being required, staff should consult this policy.
- 4.3 Compensation should not be paid in levels that differ from this policy, unless the relevant Board agrees to it.

### 5. Monitoring the policy

- 5.1 A record of all compensation payments made will be kept across the group to ensure that the policy is consistently applied.

### 6. Resources

- 6.1 There is likely to be a direct impact on resources as a result of this policy being implemented, as the policy details the amounts of money that are considered appropriate compensation for tenants to be awarded.
- 6.2 A budget should be set aside in order to pay compensation from to ensure that this policy does not have an adverse impact on resources.

## 7. Equality and Diversity

7.1 A risk assessment has been conducted and it has been found that there are no adverse effects of this policy on any group

**Uncontrolled if printed – This may not be the latest version of the policy**

**All policies must be printed from Connect only – please make sure it is the latest version**

# Policy Planning Document (PPD)

**ALL sections must be completed with a review or any creation of a new, policy. For anything that doesn't apply, please state N/A. Anything left blank will be returned to you.**

1. Policy Title*	Compensation Policy
2. Staff/Departments that must be tested*	
3. Staff/Departments for mandatory read*	Housing Services (Care & Support; General Needs and Retirement Housing)
4. Supporting <b>documents, procedures &amp; process maps</b> *	Right to Repair Guide
5. Associated <b>Policies</b> *	Complaints Policy
6. Completed E&D Submitted:*	Yes
7. Reason for review (scheduled/non-scheduled)*	Scheduled
8. Minor or Significant change?*	Minor
9. Details of Changes (if any)*	Main changes relate job roles.
10. What good practice and ext. learning sources have been used?*	Researched and compared a number of similar policies from other housing providers
11. Who has been consulted?*	N/A
12. Does this Policy need to go to Board for approval?*	No
13. If any significant change, who has approved this?*	N/A
14. Have all legal implications been considered in the policy?*	Yes
15. Does this policy meet regulatory requirements?*	Yes
16. How is the impact of this policy measured?*	Complaints panel, tenant scrutiny, tenant feedback & satisfaction
17. How will training be offered to support these changes?*	Awareness briefings to all relevant staff
18. How will the distribution of knowledge be tested?*	Customer inspectors, Internal Audit, Compliance Team
19. Any other information	N/A
<b>Please confirm details below</b>	
Policy Holder	Head of Housing
Next Review Date	July 2024

## Policy Risk and Compliance Assessment

*“Policies are documents devised to advise individuals as to a set of behaviours required on a specific topic. Within an organisation they provide a “voice” to the organisation and ensure consistency as well as providing a mechanism for performance management and monitoring.”*

As part of reviewing or developing a new policy it is important you complete one of these Policy Risk & Compliance Assessments to tell us a little more about what you are planning so we can support you and your teams appropriately.

Please answer the following questions as honestly and openly as you are able.

This assessment is not to prevent you doing anything, but to centrally offer you the best advice and support in developing and reviewing your policies whilst minimising risk from the outset.

All policies will require this document prior to being hosted on Connect and the review being logged as complete.

Policy Risk & Compliance Assessment	
<b>Name and Job Title</b>	Steven Adey Head of Housing
<b>Department</b>	Housing Services
<b>Title</b> of new policy / policy to be reviewed	Compensation Policy
<b>Brief</b> description of the policy, its purpose, and the areas of the business it covers	To set out Bernicia’s policy on offering compensation to customers.  This document defines the areas where, as a matter of policy, the group are prepared to partially compensate tenants for losses which can arise.

<b>Policy Title: Compensation Policy</b>		
<b>Date: 12 July 2021</b>	<b>Name: Steven Adey</b>	
	<b>Yes</b>	<b>No</b>
<b>1. Equality and Diversity, Will the policy be likely to impact or involve...</b>		
Any individual specifically because of one of their protected characteristics?		No
The collection or processing of information relating to the protected characteristics?		No
An event or initiative only open to certain people or groups of people?		No
The processing of any information relating to a persons protected characteristics?		No
The monitoring of a service take up, by protected characteristics?		No
<b>2. Data Protection, Does the policy relate to / involve...</b>		
Collecting data (electronically, with a form or face to face)?	Yes	
Using, sharing or sending data?	Yes	
Taking photos?		No
Sending any information outside of Bernicia?	Yes	
Asking for any information about children?		No
Any sensitive information (sexuality, ethnicity, race, religion etc.)?		No
Technology that will automatically makes decisions or evaluates data?		No
Any systematic monitoring – such as CCTV or tracking?		No
The large scale processing of data? (there is no definition of large scale, so please use of your discretion in line with Bernicia's business)	Yes	
Using electronic communications (text, email)?	Yes	
<b>3. Money Laundering</b>		
Will you be collecting any cash as part of the activity covered in the policy?		No
<b>4. Health and Safety, Will the policy involve...</b>		
Any predominantly offsite activity?		No
Undertaking an activity with members of the public?	Yes	
Using any PPE?		No
Vehicles (or their use) as a key component?		No
Vulnerable adults, young people or children?	Yes	
Bernicia staff be working on their own or out of hours?	Yes	



# Equality and Diversity Impact Assessment

**Policy Name:** Compensation Policy

**Date:** Reviewed July 2021

**Names of those undertaking the assessment:** Head of Housing (North)

**Question 1:** Please delete as appropriate.

Are there concerns that this policy or practice could have a positive or negative impact on any of the following?							
Race	Gender	Age	Sexual Orientation	Disability	Religion	Gender Reassignment	Other
N	N	N	N	N	N	N	N

**Question 2:** Please complete all fields, detailing any supporting knowledge you have for your assertions. Please note, the term N/A should not be used, and all field should be completed.

Please describe the positive and negative impacts for each group as identified above, and what supporting knowledge you have for identifying these impacts:		
Race	Impact	The policy is considered to have a neutral impact.
	Support knowledge	The policy does not differentiate on the basis of race.
Gender	Impact	The policy is considered to have a neutral impact.
	Support knowledge	The policy does not differentiate on the basis of gender.

<b>Age</b>	<b>Impact</b>	The policy is considered to have a neutral impact.
	<b>Support knowledge</b>	The policy does not differentiate on the basis of age.
<b>Sexual Orientation</b>	<b>Impact</b>	The policy is considered to have a neutral impact.
	<b>Support knowledge</b>	The policy does not differentiate on the basis of sexual orientation.
<b>Disability</b>	<b>Impact</b>	The policy is considered to have a neutral impact as it recognises individual needs.
	<b>Support knowledge</b>	The policy does not differentiate on the basis of disability.
<b>Religion</b>	<b>Impact</b>	The policy is considered to have a neutral impact.
	<b>Support knowledge</b>	The policy does not differentiate on the basis of religion.
<b>Gender Reassignment</b>	<b>Impact</b>	The policy is considered to have a neutral impact.
	<b>Support knowledge</b>	The policy does not differentiate on the basis of gender reassignment.
<b>Other</b>	<b>Impact</b>	N/A
	<b>Support knowledge</b>	N/A